

**DMLR Permit Streamline/Standardization
& Regulatory Work Group
Meeting Minutes
October 5, 2005
Oxbow Center, St. Paul, VA**

Amanda Cox	Ed Asbury	Barry Spry	John Jones
Michael Edwards	Keith Mohn	Chris Imbrogno	D. R. Allen
Heather McDonald	Tim Browning	Daniel Dotten	Greg Clark
Annette Poore	Phil Mullins	Tim Compton	Gary Slone
Buddy Hamilton	Bob Blackstock	Ian Dye	Bob Penn
Gavin Bledsoe	Donna Puckett	Les Vincent	Butch Lambert
Harve Mooney	Benny Wampler	Steve Walz	David Spears
Joey O'Quinn	Gerald Collins	Greg Baker	Lynn Haynes
Gary Egan	David Sanders		

Les Vincent, DMLR – Les opened the meeting and sign in sheets were passed around. He announced that the **Regulatory Work Group** would be the morning meeting, and everyone was encouraged to attend the **Permit Streamline** meeting at 1:00. He advised that Annette Poore should be arriving around 10:00, and Gerald Collins would be there after lunch to talk about Electronic Permitting.

Gavin Bledsoe, DMLR – Gavin handed out copies of the Proposed Amendments, dated May 9, 2005, of the Virginia Coal Surface Mining Reclamation regulations and the Notices of Intended Regulatory Action. He discussed the proposed changes and amendments and asked for comments.

- Final Rules – Permit Markers/Monitoring Blasting (4 VAC 25-130-816.11 & 816.64)
- Pending Rules –
 - renumbering Virginia Code references – APA
 - various typographical errors
 - requests for hearings and appeals
 - Subsidence control (784.20 & 817.121) plan – consistent with Federal Rule
 - Signs and markers (817.11)
 - Diversions (U.S. Army Corps of Engineers: 816/817.43)
 - Monitoring blasting within 1000 feet (817.64)
 - Correction to 816.105 (thick overburden)
 - Civil penalty (\$70,000 – personal injury/fatality – 845.13)
- Proposed Rules –
 - Revegetation standards
 - Flyrock notification requirement

Les Vincent, DMLR – Les announced that Butch would be talking about the proposed rule, Re-vegetation standards and then discussed the proposed, Flyrock Notification Requirement.

He asked if the group had comments to add, to email them to Butch, Gavin, or himself, for the next draft.

Discussion was had on the proposed rule for Stream Restoration. He announced a meeting with DMLR and DEQ on October 6, to discuss the program in general.

Butch Lambert, DMLR – Butch discussed the Office of Surface Mining Proposed Re-vegetation Rule, and advised that once OSM is done with the rule, DMLR would adjust our rule accordingly. Ian Dye gave input that we could be looking at January 2006, but realistically, December.

Les Vincent, DMLR – Les again welcomed comments from the group and the Regulatory Work Group session ended .

Butch Lambert, DMLR – Butch started the **Permit Streamline** meeting, with a slideshow presentation of a recent tour in KY, WV and VA by the Reforestation Team, on August 9, 10, and 11. He encouraged the group to continue our leadership role with reforestation, and asked for any questions.

Joey O’Quinn, DMLR – Joey distributed a draft of a Permitting - TMDL, guidance document for DMLR. He updated the group on TMDL studies ongoing, and completed reports. Benny informed us that DEQ is court mandated for these studies, and DMLR is participating because of our knowledge and involvement with coal mining.

Butch Lambert, DMLR – DMLR issued a Guidance Memorandum on June 13, 2005 that instructs coal mine operators on procedures for submitting and gaining approval for ground control plans. Three main safety areas are persons in residences, persons on roadways, and others areas where persons work, congregate, or travel, which may be affected by blasting or falling material. DM and DMLR will jointly evaluate the plan and red zone areas for adequacy.

Gerald conveyed that Kentucky is taking a close look at our plan and may be planning to model our process.

Gerald Collins, DMLR – Gerald handed out a Performance Measurement chart for Permitting and highlighted some permitting activities over the past two years. He advised that several other states are looking at electronic permitting and DMLR has hosted several seminars. Upcoming projects for Permitting are (1) utilizing electronic signatures, (2) participation review, consistency meetings, of technical section in the next six months, and (3) a standard naming file convention system, to be used in electronic permitting. These will be discussed in future Permit Streamline meetings, and comments will be requested.

Steve Walz announced DMME’s award of the 2005 Governor’s Technology Award for Innovative Technology for our digital underground coal mine mapping program.

Les Vincent, DMLR – Les advised that Digital Professional Engineer Signature/Certification can legally be done electronically. He asked for volunteers for a work group. Within the next year, DMLR would like to be paperless on the permits. Participants were asked to contact Les within 2 weeks to form the work group.

Annette Poore, US Army Corp. – Nationwide 21 will be coming up for renewal March 18, 2007. She could not give details of the new proposal, but advised that the draft will be on the Federal Register, sometime in 2006. Ms. Poore advised industry to go ahead and do the bat surveys, as they will be required to do so, at some point. She requested that if you request mitigation on a site not covered by a SMRCA permit, make this clear in your application.

Greg Baker, DMLR – DMLR is revising procedures for submitting maps with anniversary reports. A guidance document will be forthcoming, with more detail. If there are no changes to the permit, that affect acreage, no map is needed. If there have been vegetated area changes on the permit, DMLR will require a seeding report. A new or existing road that has to be certified, if not already in our system, will need to be submitted as a revision. Fees will be now be requested, upon approval of the anniversary report.

Les Vincent, DMLR – Les again discussed Butch's topic on Reforestation, and tree planting, but cautioned against compacting. Open discussion was held on reforestation, and the meeting was adjourned.